

FEB 10 1996

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

IN THE MATTER OF:

DOCKET NUMBER: 97-02235

COUNSEL: None

HEARING DESIRED: Yes

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APPLICANT REQUESTS THAT:

He be retired in the grade of master sergeant.

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APPLICANT CONTENDS THAT:

He served in the grade of master sergeant for more than three years. He believes that he has earned retirement in that grade.

Applicant's complete submission is attached at Exhibit A.

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STATEMENT OF FACTS:

The applicant is currently serving in the Regular Air Force in the grade of technical sergeant.

On 27 October 1994, after being medically evaluated, applicant was entered into Phase I of the Weight Management Program (WMP). He weighed 187½ pounds, with a body fat measurement (BFM) of 32 percent. His maximum allowable weight (MAW) was 172.75 and his maximum body fat was 24 percent for men 30 years or older. He was 65.75 inches in height. Satisfactory progress in the WMP requires that a male lose 1 percent body fat per month or 5 pounds per month.

Between his entry on the WMP and 28 October 1996, applicant had four unsatisfactory BFM for which he received the following administrative action:

25 September 1995, Letter of Counseling: Gained 3 pounds and gained 6 percent body fat.

21 December 1995, Letter of Reprimand and Unfavorable Information File (UIF) established: gained 3 pounds and gained 2 percent body fat.

29 February 1996, Letter of Reprimand and UIF: lost ¼ pound and gained 1 percent body fat.

28 October 1996, Initiation of demotion action: gained 5 pounds and gained 3 percent body fat.

On 14 November 1996, applicant was notified by his squadron commander of his intent to recommend to the wing commander demotion action against him. The specific reasons for the action was his failure to maintain body fat standards as outlined in AFI 40-502, Air Force Weight Management Program. Applicant acknowledged receipt of the notification and nonconcurred with the proposed action. He submitted written matters in his own behalf, consulted with counsel and waived a personal hearing.

Applicant's demotion to technical sergeant was approved on 9 December 1996. He appealed the action; however, on 18 December 1996, the demotion authority approved the demotion.

EPR profile since 1994 reflects the following:

<u>PERIOD ENDING</u>	<u>OVERALL EVALUATION</u>
04 Jun 94	4
04 Jun 95	5
04 Jun 96	5
04 Jun 97	4 (Ref)

Applicant has an approved retirement date of 31 January 1998 in the grade of technical sergeant. He served a total of 20 years and 19 days of active service. In accordance with Title 10, United States Code, Section 8964, applicant will be advanced to the grade of master sergeant on 12 January 2008, which was the highest grade he satisfactorily held on active duty.

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**AIR FORCE EVALUATION:**

The NCOIC, Commander's Program Branch, AFPC/DPSFC, reviewed this application and states that the WMP is a rehabilitative program designed to encourage safe, effective weight loss/body fat reduction, and closely replicates proven civilian weight loss programs. Individual's who allow themselves to exceed the MAW standard are subject to administrative actions that may reflect during and after their career. Administrative actions may consist of counseling, reprimands, denial of promotion, and ultimately involuntary separation. These actions support good order and discipline necessary for a strong military force. Based on the evidence provided, they recommend denial of applicant's request.

A complete copy of the evaluation is attached at Exhibit C.

The Retirement Ops Section, AFPC/DPPRR, also reviewed this application and states that applicant is correctly projected to retire in the grade of technical sergeant, which is the grade he is holding on the date of his retirement. There is an advancement statement in an applicant's retirement order which advances him to the highest grade satisfactorily held at the 30-year point. No irregularities or injustices were discovered while reviewing the applicant's retirement actions. They recommend denial of applicant's request.

A complete copy of their evaluation is attached at Exhibit D.

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APPLICANT'S REVIEW OF AIR FORCE EVALUATION:

On 27 October 1997, copies of the Air Force evaluations were forwarded to the applicant for review and response within 30 days. As of this date, no response has been received by this office.

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THE BOARD CONCLUDES THAT:

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was timely filed.
3. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. After reviewing the evidence submitted with this appeal, we are not persuaded that the applicant should be retired in the grade of master sergeant. It appears that the commander used the correct rehabilitative measures that were available to help the applicant make satisfactory progress in the Weight Management Program (WMP). Individuals who allow themselves to exceed their allowable weight are subject to administrative actions that may negatively affect their careers. Therefore, in the absence of persuasive evidence that the applicant's failure to maintain weight standards resulting from factors over which he had no control, we find no compelling basis to recommend granting the relief sought in this application.
4. The applicant's case is adequately documented and it has not been shown that a personal appearance with or without counsel will materially add to our understanding of the issue(s) involved. Therefore, the request for a hearing is not favorably considered.

THE BOARD DETERMINES THAT:

The applicant be notified that the evidence presented did not demonstrate the existence of probable material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

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The following members of the Board considered this application in Executive Session on 13 January 1998, under the provisions of AFI 36-2603:

Mrs. Barbara A. Westgate, Panel Chair  
Mr. Robert W. Zook, Member  
Mr. Allen Beckett, Member



The following documentary evidence was considered:

- Exhibit A. DD Form 149, dated 9 July 1997, w/atchs.
- Exhibit B. Applicant's Master Personnel Records.
- Exhibit C. Letter, AFPC/DPSFC, dated 7 Oct 97.
- Exhibit D. Letter, AFPC/DPPRR, dated 15 Oct 97.
- Exhibit E. Letter, AFBCMR, dated 27 Oct 97.

  
BARBARA A. WESTGATE  
Panel Chair



DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS AIR FORCE PERSONNEL CENTER  
RANDOLPH AIR FORCE BASE TEXAS



7 OCT 1997

MEMORANDUM FOR SAF/MIBR

FROM: HQ AFPC/DPSFC  
550 C Street West, STE 37  
Randolph AFB TX 78150-4739

SUBJECT: Application for Correction of Military Records - [REDACTED]

**Requested Action:** The applicant requests he be reinstated to the rank of Master Sergeant and pay grade of E-7 on retirement.

**Basis for Request:** The applicant contends since he served in the rank of Master Sergeant for more than 3 years and that he earned retirement at that grade.

**Discussion:** Maintaining Air Force weight standards is an individual responsibility. Exceeding Air Force weight standards increases a person's risk of serious health problems, thereby impacting on the individual's and the Air Force's mission readiness.

Commanders make every effort to assist individuals in their quest to maintain their weight and body fat standards. A medical evaluation, diet counseling(s), 90-day exercise program, and monthly checks are provided as rehabilitative support for individuals who exceed weight and body fat standards. It is never an easy decision for commanders to take administrative action against a member of their organization, and is only done as a last recourse. Outstanding performance of duty, while commendable, does not justify a waiver of weight standards.

The WMP is a rehabilitative program designed to encourage safe, effective weight loss/body fat reduction, and closely replicates proven civilian weight loss programs. Individual's who allow themselves to exceed the Maximum Allowable Weight (MAW) standard are subject to administrative actions that may reflect during and after their career. Administrative actions may consist of counseling, reprimands, denial of promotion, and ultimately involuntary separation. These actions support good order and discipline necessary for a strong military force.

Commanders perform random weigh-ins and ensure all personnel within their organization are weighed or body fat measured at least once a year. In addition to this, commanders are required to perform weight or body fat measurements or both during changes in status such as PCS/PCA, promotions and appointments, TDY and reenlistments. The

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circumferential measurement, mandated by the Department of Defense, is the technique used by orderly room weight managers to perform the body fat measurement.

**Facts:** Member was enrolled in the **W M P** on **27 Oct 94** at **32** percent body fat. **This** was eight percent over the standard body fat measurement for his age group. Member failed to lose the required **5** pounds or **1** percent body fat on following four separate occasions resulting in the commander taking the following administrative actions:

**19 Sep 95** - Letter of Counseling

**21 Dec 95** - LOR and established an Unfavorable Information File (UIF)

**29 Feb 96** - LOR and UIF

**28 Oct 96** - Demotion to Technical Sergeant effective **9 Dec 96**

**Recommendation:** Deny request. AFI **40-502, The Weight Management Program**, Table **1**, allows commanders to select appropriate administrative actions for failure in the **WMP** .

  
USAF  
NCOIC, Commander's Programs Branch

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DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS AIR FORCE PERSONNEL CENTER  
RANDOLPH AIR FORCE BASE TEXAS

15 Oct 97



MEMORANDUM FOR SAF/MIBR

FROM: HQ AFPC/DPPRR  
550 C Street West, Suite 11  
Randolph AFB TX 78150-4713

SUBJECT: Application for Correction of Military Records [REDACTED]

Requested Action. The applicant is requesting to be reinstated to the rank of master sergeant and pay grade of E-7 on retirement.

Basis for Request. The applicant contends since he served in the rank of master sergeant for more than 3 years, he deserves to be retired in that grade.

Facts.

a. The applicant was demoted to the grade of technical sergeant effective and with a date of rank of 9 Dec 96 (Atch 1). Applicant failed to make satisfactory progress in the Weight Management Program and administrative demotion action was initiated in accordance with AFI 36-2503, Administrative Demotion of Airman.

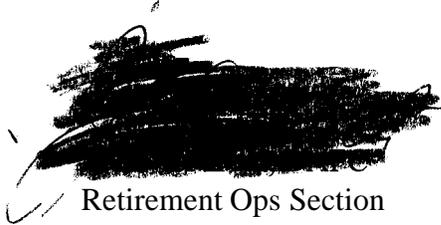
b. The applicant applied for retirement to be effective 1 Feb 98 (Atch 2). Section 8961, Title 10, United States Code, (Atch 3) states: "Unless entitled to a higher retired grade under some other provision of law a regular or reserve of the Air Force who retires other than for physical disability retires in the regular or reserve grade that he holds on the date of his retirement." In the applicant's case, the grade is technical sergeant.

c. The applicant's retirement order, DAFSO AC-014238, 15 Aug 97 (Atch 4), reflects he will be relieved from active duty on 31 Jan 98 and retired 1 Feb 98 with 20 years, 05 months, and 23 days for basic pay and 20 years, 00 days, and 19 days active service for retirement in the grade he holds on the date of retirement - technical sergeant. It also reflects that applicant served in the grade of master sergeant as the highest grade held on active duty. There is indication on the retirement order that applicant will be advanced to the grade of master sergeant on 12 January 2008. This action is correct as member was approved for advancement by the Secretary of the Air Force on 6 Aug 97 (Atch 5). This action is in accordance with Section 8964, Title 10, United States Code (Atch 6), which provides for enlisted members to be advanced (when their active service plus service on the retired list totals 30 years) on the retired list to the

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highest grade in which they served on active duty satisfactorily as determined by the Secretary of the Air Force.

Recommendation. Denial. Applicant is correctly projected to retire in the grade of technical sergeant, which is the grade he is holding on the date of his retirement. There is an advancement statement on applicant's retirement order which advances him to the highest grade satisfactorily held at the 30-year point. No irregularities or injustices were discovered while reviewing the applicant's retirement actions.

A large, dark, irregularly shaped redaction mark covers the signature area of the document.

Retirement Ops Section  
Directorate of Personnel Program Management

Attachments

1. Special Order AA-001, 24 Dec 96
2. AF Form 1160, 11 Jun 97
3. Title 10, U.S.C., Section 8961
4. Retirement Order AC-014238, 15 Aug 97
5. SAF Personnel Council Memo, 6 Aug 97
6. Title 10, U.S.C., Section 8964

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No orders were published in this series in FY 96

DEPARTMENT OF THE AIR FORCE  
78TH MISSION SUPPORT SQUADRON  
ROBINS AIR FORCE BASE GEORGIA 31098-2232

SPECIAL ORDER

24 Dec 96

[REDACTED]  
[REDACTED] Robins AFB  
GA 31098, is demoted from permanent grade of Master Sergeant to the permanent grade of  
Technical Sergeant effective and with a date of rank of 9 Dec 96. AUTHORITY: AFI 36-2503.

FOR THE COMMANDER

[REDACTED]  
[REDACTED] USAF  
NCOIC, Enlisted Promotions

DISTRIBUTION

- 1 - DPMPZ
- 1 - DPMPE
- 1 - DPMPS
- 1 - UNIT
- 1 - MEMBER
- 1 - HQ AFPC

AA - 001

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ATCH 1

Team C  
5418

### MILITARY RETIREMENT ACTIONS

(THIS FORM IS SUBJECT TO THE PRIVACY ACT OF 1974)  
(Instructions on reverse)

**AUTHORITY:** The 10, U.S.C. Chapters 33, 39, 63, 65, 67, 69, 71, 833, 839, 863, 865, 867, 869; 10 U.S.C. 8012, 44 U.S.C. 3101; and EO 9397.  
**PRINCIPAL PURPOSE:** To process the application for retirement; request waiver of retirement restriction, change of month or withdraw approved application and similar actions.  
**ROUTINE USES:** Used for establishing date of retirement, determining retired grade, preparing documents including retirement order, and evaluating information justifying a waiver request. The SSAN is used for identification.  
**DISCLOSURE IS VOLUNTARY:** Refusal to divulge information may delay or halt further processing of the case, preclude proper evaluation of a hardship situation, and jeopardize member's entitlement to retired pay benefits. SSAN is necessary to ensure positive identification.

#### I. COMPLETED BY INDIVIDUAL AND CBPO

1. NAME (Last, First, Middle Initial) [REDACTED] 2. SSAN [REDACTED] 3. GRADE  
TSGT

4. UNIT OF ASSIGNMENT [REDACTED] 5. PLACE RETIREMENT DESIRED  
ROBINS AFB, GA 6. HIGHEST ACTIVE DUTY GRADE  
MSGT

7. EXTRAORDINARY HEROISM ENTITLEMENT (Airmen only)  
 ESTABLISHED  CLAIMED  NOT APPLICABLE 8. CURRENT RESERVE GRADE

9. ACTION REQUESTED (Check applicable box):  
A.  VOLUNTARY RETIREMENT  
B.  CHANGE APPROVED DATE OF RETIREMENT  
C.  WITHDRAW APPROVED RETIREMENT  
D.  RETIRE ON MANDATORY DATE (Officers only)  
E.  BASE OF CHOICE (Specify)  
10. RESERVE STATUS (Check applicable box):  
A.  PLACEMENT ON USAF RESERVE RETIRED LIST IS ACKNOWLEDGED  
B.  CURRENT ASSIGNMENT TO RETIRED RESERVE IS ACKNOWLEDGED  
C.  TRANSFER TO RETIRED RESERVE IS ACKNOWLEDGED  
D.  REQUEST FOR DISCHARGE FROM REGULAR AIRMAN STATUS

11. I have read AFR 35-7, paragraph 2-4, 3-7d and Chapter 7 and understand the effects of the requested action. I request approval of the actions checked in items 9 and 10 above.

EFFECTIVE DATE OF ACTION: 1 Feb 98  
DATE APPLICANT SIGNED: 11 Jun 97  
SIGNATURE OF APPLICANT: [Signature]

#### II. ACTION BY UNIT

12. Member is subject to conditions or restrictions as shown in AFR 35-7, Table 2-1 or Table 2-2.  
 Yes  No

DATE: 10 JUL 97  
TYPED NAME, GRADE AND TITLE OF COMMANDER OR DESIGNATED REPRESENTATIVE: [REDACTED]  
SIGNATURE: [Signature]

#### III. ACTION BY CBPO (Circle appropriate code(s))

13A. PTI: 988 98A 98B 98D  
B. WAIVER CODES: 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40  
C. SPECIAL PROGRAM IDENTIFIER: 60 70 71 72 73 74 75 76 77 88 91 93 00

14A. RESTRICTIONS: AFR 35-7, TABLE 2-2 (Cite specific rule(s))  
B. DOCUMENTATION:  NOT REQUIRED  ATTACHED (Itemize in "Remarks" section)  
15. CLEARED FOR ENTRY INTO APOB:  YES  NO

DATE: 16 Jul 97  
TYPED NAME, GRADE, TITLE, AND HEADQUARTERS OF CHIEF CBPO OR DESIGNATED REPRESENTATIVE: [REDACTED]  
SIGNATURE: [Signature]

#### IV. REMARKS (Use for additional comments. Identify item numbers to which data applies.)

SPOUSE: [REDACTED]  
PERMISSIVE TDY/TERMINAL LEAVE START DATE: 10NOV97  
DUTY PHONE: [REDACTED]  
U MAILING DDRE [REDACTED]

I ASK THAT I MUST ONTA [REDACTED] DAYS TO MY LEAVE START DATE TO SCHEDULE MY [REDACTED] AND SBP BRIEFING. I ALSO UNDERSTAND THAT I MUST ATTEND A RETIREMENT BRIEFING NLT 9 DAYS PRIOR TO MY LEAVE. RETIREMENT BRIEFINGS ARE HELD THE 1ST FRIDAY OF EACH MONTH, 0900 AT BLDG 905, ROOM 240.

P.L. 85-861, §1(196), 72 Stat. 1640; Sept. 1966, P.L. 89-348, §204(c), 100 Stat. 698; 91, Oct. 5, 1994, P.L. 103-337, §635(c)(1).

service: voluntary retiree commissioned officers  
ing whether an officer of the n 8911, 8918, or 8924 of this d by adding — ed as a member of the Army

r Marine Corps that may be ability of an officer of the Navy

ing whether a medical officer red under section 8911, 8918, vice are computed by adding l service performed as a con- geon, or contract physician, d to take and change station

ing whether a dental officer of l under section 8911, 8918, or c are computed by adding to rvice as a contract dental sur-

59, P.L. 86-197, f1(8), 73 Stat. 426, Nov

17(a), Dec. 12, 1980, 94 Stat.

01(1), Aug. 21, 1957, 71 Stat.

y: law applicable ed under this chapter is enti- chapter 871 of this title.

CHAPTER 889—RETIRED GRADE

- Sec. 8961. General rule.
- 8962. Higher grade for service in special positions.
- [8963. Repealed.]
- 8964. Higher grade after 30 years of service: warrant officers and enlisted members.
- 8965. Restoration to former grade: retired warrant officers and enlisted members.
- 8966. Retired lists.

§ 8961. General rule

(a) The retired grade of a regular commissioned officer of the Air Force who retires other than for physical disability, and the retired grade of a reserve commissioned officer of the Air Force who retires other than for physical disability or for nonregular service under chapter 1223 of this title, is determined under section 1370 of this title.

(b) Unless entitled to a higher retired grade under some other provision of law, a Regular or Reserve of the Air Force not covered by subsection (a) who retires other than for physical disability re- tires in the regular or reserve grade that he holds on the date of his retirement.

(Aug. 10, 1956, ch. 1041, 70A Stat. 554; Dec. 12, 1980, P.L. 96-513, §504(19), 94 Stat. 2917; Oct. 5, 1994, P.L. 103-337, §1674(c)(2), 108 Stat. 3016.)

§ 8962. Higher grade for service in special position

(a) Upon retirement, a commissioned officer of the Air Force who has served (1) as Chief of Staff to the President, (2) as Chief of Staff of the Air Force, (3) as a senior member of the Military Staff Committee of the United Nations, or (4) as Surgeon General of the Air Force in the grade of lieutenant general may, in the discretion of the President, be retired, by and with the advice and consent of the Senate, in the highest grade in which he served on active duty.

(b) Upon retirement, any permanent professor of the United States Air Force Academy whose grade is below brigadier general, and whose service as such a professor has been long and distinguished, may, in the discretion of the President, be retired in the grade of brigadier general.

(Aug. 10, 1956, ch. 1041, 70A Stat. 554; Sept. 2, 1968, P.L. 85-861, §1(197), 73 Stat. 1641; Oct. 22, 1965, P.L. 89-288, §8, 79 Stat. 1060; Sept. 8, 1980, P.L. 96-343, §13(b)(1), (2), 94 Stat. 1191; Dec. 12, 1980, P.L. 96-513, §504(20), 94 Stat. 2917.)

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Arch 3

DEPARTMENT OF THE AIR FORCE  
WASHINGTON

SPECIAL ORDERS  
NO. AC-014238

15 AUG 97

R

[REDACTED]  
[REDACTED]  
ROBINS AFB GA 31098

EFFECTIVE 01 JAN 98 YOU ARE RELIEVED FROM ACTIVE DUTY, ORGANIZATION AND STATION OF ASSIGNMENT. RETIRED EFFECTIVE 01 FEB 98 PER AFI 36-3203 IN GRADE OF MSG.

HIGHEST GRADE HELD ON ACTIVE DUTY: MSG

DATE OF BIRTH: [REDACTED]

	YEARS	MONTHS	DAYS
SERVICE FOR BASIC PAY:	20	05	23
ACTIVE SERVICE FOR RETIREMENT:	20	00	19
SERVICE PER 10 USC 1405:	20	00	23

PROCEED TO HOME OF SELECTION

POB. TDN. 5770500 027 5889.0+ 875825  
\*INSERT N, L, S, D, R, H, I, T, G, OR Y).  
NONTEMPORARY STORAGE CHARGEABLE TO: 5770500 027 5889.0N 875825.  
CIC: 4 5 248 0080 875825. TAC: 588E.

REMARKS: EFFECTIVE 10 JAN 2008 THE ABOVE NAMED INDIVIDUAL IS ADVANCED TO THE GRADE OF MASTER SERGEANT ON THE USAF RETIRED LIST BY REASON OF COMPLETING A TOTAL OF 30 YEARS ACTIVE SERVICE PLUS SERVICE ON THE RETIRED LIST ON 11 JAN 2008. AUTHORITY: 10 USC 8564.

BY ORDER OF THE SECRETARY OF THE AIR FORCE

1 MTC 1211

DEAN D. SANDERS, LT COL, USAF  
CHIEF RETIREMENTS & SEPARATIONS DIV

DISTRIBUTION: B-AIRMAN  
SERVICING MEMBERS RELOCATIONS  
78 MSS  
ROBINS AFB GA (MTC)  
31098-2232 AD-014238

DELTA DRRY - 1 CYS

MRF - 2 CYS

MER - 25 CYS

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ATCH 4



DEPARTMENT OF THE AIR FORCE  
WASHINGTON DC



OFFICE OF THE ASSISTANT SECRETARY

6 AUG 1997

**ACTION**  
of the  
**SECRETARY OF THE AIR FORCE**

The Secretary of the Air Force finds Technical Sergeant (E-6) ~~\_\_\_\_\_~~ d y in the grade of Master Sergeant (E-7) within the meaning of Section 8964, Title 10, United States Code, and directs the member's advancement to that grade on the Retired List effective the date of completion of all required service.

~~\_\_\_\_\_~~

Colonel, USAF  
Director  
SAF Personnel Council

9700235

ATCG 5

[§ 8963. Repealed. P.L. 99-145, § 1301(d)(2)(A), Nov. 8, 1985, 99 Stat. 736]

08064. Higher grade **after** 30 years of service: warrant officers and enlisted members

(a) Each retired member of the Air Force covered by subsection (b) who is retired with less than 30 years of active service is entitled, when his active service plus his service on the retired list totals 30 years, to be advanced on the retired list to the highest grade in which he served on active duty satisfactorily (or, in the case of a member of the National Guard, in which he served on full-time duty satisfactorily), as determined by the Secretary of the Air Force.

(b) This section applies to—

- (1) warrant officers of the Air Force;
- (2) enlisted members of the Regular Air Force; and

(3) reserve enlisted members of the Air Force who, at the time of retirement, are serving on active duty (or, in the case of members of the National Guard, on full-time duty).

(Aug. 10, 1966, ch. 1041, 70A Stat. 555; Sept. 2, 1958, P.L. 85-861, § 1(198A), 72 Stat. 1541; P.L. 98-525, § 553(c), Oct. 19, 1984, 98 Stat. 2528; Dec. 4, 1987, P.L. 100-180, § 512(c), 101 Stat. 1090.)

48965. Restoration to former grade: retired warrant officers and enlisted members

Each retired warrant officer or enlisted member of the Air Force who has been advanced on the retired list to a higher commissioned grade under section 8964 of this title, and who applies to the Secretary of the Air Force within three months after his advancement, shall, if the Secretary approves, be restored on the retired list to his former warrant-officer or enlisted status, as the case may be.

(Aug. 10, 1966, ch. 1041, 70A Stat. 666; Dec. 4, 1987, P.L. 100-180, § 512(d)(3), 101 Stat. 1090)

§ 8966. Retired lists

(a) The Secretary of the Air Force shall maintain a retired list containing the name of each retired commissioned officer of the Regular Air Force.

(b) The Secretary shall maintain a retired list containing the name of—

(1) each person entitled to retired pay under any law providing retired pay for commissioned officers of the Air Force, other than of the Regular Air Force; and

(2) each retired warrant officer or enlisted member of the Air Force who is advanced to a commissioned grade.

(c) The Secretary shall maintain a retired list containing the name of each retired warrant officer of the Air Force.

(d) The Secretary shall maintain a retired list containing the name of each retired enlisted member of the Regular Air Force.

(Aug. 10, 1966, ch. 1041, 70A Stat. 556; Sept. 2, 1958, P.L. 85-861, § 1(199), 72 Stat. 1541; Dec. 4, 1987, P.L. 100-180, § 512(d)(3), 101 Stat. 1090)

CHAPTER 871—COMPUTATION

Sec.

- 8991. Computation of retired pay.
- 8992. Recomputation of retired pay to

§ 8991. Computation of retired pay

(a) COMPUTATION.—

(1) FORMULA.—The amount payable to such pay under this section—

(A) the member's retired pay under section 1406(e) or 1407(c)

(B) the retired pay under section 1409 of this title for the member under section 1409

(2) ADDITIONAL 10 PERCENT

MEMBERS CREDITED WITH EXTRA PAY.—

who is retired under section 1406(e) or 1407(c) by the Secretary of the Air Force in the line of duty, the member shall be entitled to an additional 10 percent of the amount

(but to not more than 75 percent of the amount) which the computation of such retired pay under this title would otherwise result in.

(b) GENERAL RULES.—

(1) USE OF MOST FAVORABLE FORMULA.—

otherwise be entitled to retired pay under one formula in subsection (a) of this title, he is entitled to be paid under that formula that is most favorable to him.

(2) ROUNDING TO NEXT LOWER.—

Retired pay computed under subsection (a), shall be rounded to the next lower multiple of one cent.

(Aug. 10, 1966, ch. 1041, 70A Stat. 558; amended, P.L. 99-348, § 204(a), July 1, 1986, 100 Stat. 697; Dec. 4, 1987, P.L. 100-180, § 512(d)(3), 101 Stat. 1090.)

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